

REMARKS

Reconsideration in view of the foregoing amendments and the following remarks, and entry of this paper, is respectfully requested. Moreover, the Applicant has reviewed the Final Office Action of December 27, 2004, and submits that this paper is responsive to all points raised therein.

Interview Summary

The applicant wishes to thank Examiner Raymond Addie, for the telephone interview conducted with the applicant David Gregg, representatives of the assignee of this application, Jeff Wycoff and Randy Akers, and the undersigned attorney, on February 10, 2005. In the interview, all pending claims 1-7, 9-15 and 15-45 were discussed, as were the references, Jones (U.S. Patent No. 5,022,783) (Jones '783) and Wynings (U.S. Patent No. 6,585,451) (Wynings '451).

Arguments were presented that Jones '783 can not be modified with Wynings '451. These arguments appear in the Remarks below. Amendments to the claims were also proposed, with portions of the proposed amendments appearing in the claims below. Agreement was not reached at this interview, as the Examiner reserved his right to conduct further searches for all proposed amendments.

Status of the Claims

Claims 1-7, 9-13 and 15-75 are presently pending. Claims 1, 19, 31, 36, 39, and 43 have been amended. Claims 8 and 14 were cancelled in a previous Amendment, filed by the applicant. Claims 46-75 are new and have been added.

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Double Patenting Rejection

Claims 43-45 are rejected under 35 USC 101 for Double Patenting, as being duplicative of claims 39-42.

The applicant has reviewed the claims, and both claims 39 and 43 include different recitations. In particular, claim 39 recites releasing fluid onto the surface of the roller, while claim 43 recites releasing fluid onto at least the concrete proximate to the roller. It is respectfully asserted that these recitations are different, such that this Double Patenting rejection is not applicable, and should be withdrawn.

Comment On Note To Applicant

The applicant has reviewed the Examiner's comment with respect to claims 5 and 23 and agrees that the claimed "fluid source" only requires a quantity of fluid.

Claim Objections

Claim 31 was objected to. Claim 31 has been amended in accordance with the Examiner's suggestions, whereby it is respectfully asserted that this objection has been cured.

Rejections Under 35 USC 103(a)

Claims 1, 5, 9, 12, 13, 15, 17, 19, 23, 26, 29-32, 34 and 36-45 are rejected under 35 USC 103(a) as obvious over Jones (U.S. Patent 5,022,783) (Jones '783), in view of Wynings (U.S. Patent No. 6,585,451) (Wynings '451).

Independent claims 1 and 19 have been amended to recite an apparatus for stamping wet concrete. The recited apparatus each include a roller, a receiver portion for receiving the roller

and having ends, each of the ends configured for weighting the roller, and a fluid transport system for providing fluid to the roller along the surface of the roller. For example, this structure allows the roller to be adjustably weighted, to accommodate the various degrees of tightness encountered when working wet concrete.

Jones '783 is directed to an apparatus for working green concrete. Green concrete is concrete has hardened well beyond wet concrete, and in this "green" state, is so tight that it can not be imprinted by weighting. Accordingly, Jones discloses a drum 18 with blades 19. The drum 18 is vibrated with a vibratory mechanism 11, so that the blades 19 can cut the green concrete by "sawing" into it, allowing it to be imprinted. Since Jones '783 imprints concrete by vibratory cutting, it is completely silent as to imprinting concrete by weighting the roller drum 18, as weights are not necessary to augment, and would not add to, the vibratory cutting or sawing forces.

Wynings '451 discloses a lawn or landscaping roller apparatus with a split roller for making zero radius turns. The split roller is such that one roller rotates backward, while the other roller rotates forward, allowing the apparatus to make a zero-radius turn, for negotiating tight spaces. The rollers are for flattening a ground surface, and the structure supporting the rollers includes removable weights at each of its ends.

It is respectfully asserted that Jones '783 can not be modified with Wynings '451, as Jones '783 imprints green concrete with vibrations alone, and does not use weights in any way, as weights would not be of any value when imprinting concrete with blades that cut the concrete by being vibrated. Accordingly, Jones '783 fails to teach or suggest any modifications with weights, such as those taught by Wynings '451. Therefore, Jones '783 remains structurally deficient, as it fails to show the claimed invention including an apparatus for working wet

concrete, weight holding structures at the ends of a roller receiving member for weighting the roller.

To weight Jones '783, as taught by Wynings '451, would add nothing to Jones '783. Since Jones '783 teaches imprinting in green concrete by cutting with vibrating blades, weights, as taught by Wynings '451 would not provide any additional forces sufficient to imprint in green concrete. Accordingly, this combination is improper, for absent hindsight, the skilled artisan with Jones '783 and Wynings '451 before them, would lack any motivation to make this combination.

Based on the above, it is respectfully asserted that Jones '783 and Wynings '451, alone or in any combination, would not render the claimed invention obvious under 35 USC 103(a). Accordingly, claims 1 and 19 are non-obvious under 35 USC 103(a) in view of the cited art.

Since claims 1 and 19 are not obvious under 35 USC 103(a) over Jones '783 in view of Wynings '451, claims 5, 9, 12, 15 and 17, and 23, 26, 29-32 and 34, respectively dependent thereon, are also not obvious under 35 USC 103(a), in view of the cited art for the same reasons. These claims further distinguish the invention over the cited art.

Claims 36, 39 and 43 are method claims directed to methods for working wet concrete. These claims also include recitations for weighting an apparatus including a roller that has a stamp defining its surface, and a receiver portion that receives the roller, at the oppositely disposed ends of the receiver portion. For example, the recited methods allow wet concrete to be worked in accordance with its tightness, by weighting the receiver portion at its ends, and ultimately weighting the roller at its ends to accommodate for variations in tightness of the wet concrete.

Jones '783 has been discussed above. That discussion is applicable here.

Wynings '451 has been discussed above. That discussion is applicable here.

As discussed above, the combination of Jones '783 and Wynings '451, would not be made by one skilled in the art. Accordingly, this leaves Jones '783 to stand alone, where it is only directed to methods for working "green" concrete.

Even if the combination of Jones '783 and Wynings '451 could be properly made, the resultant method taught would only be for working "green" concrete and not wet concrete, as recited in the claims. Also, the recited portion of the method, where the roller is weighted at its ends by weighting the receiver portion at its ends, is not shown, taught nor suggested by Jones '783 or Wynings '451, alone or in combination.

Since the claimed method is not shown by Jones '783 or Wynings '451, alone or in combination, it is respectfully asserted that claims 36, 39 and 43 are non-obvious under 35 USC 103(a) in view of the cited art.

Since claims 36, 39 and 43 are non-obvious under 35 USC 103(a), claims 37 and 38, 40-42, and, 44 and 45, respectively dependent thereon, are also non-obvious under 35 USC 103(a) in view of the cited art for the same reasons. These claims further distinguish the invention over the cited art.

Claims 2-4, 6-7, 10, 16, 18, 20-22, 24, 25, 27, 33 and 35, were rejected under 35 USC 103(a) as obvious over Jones '783 in view of Wynings '451, as applied to claims 1 and 19, and in further view of Zieger, et al. (U.S. Patent No. 5,846,176) (Zieger '176).

Claims 1 and 19 are the independent claims, on which claims 2-4, 6-7, 10, 16, 18, 20-22, 24, 25, 27, 33 and 35, respectively depend. Claims 1 and 19 have been discussed above. Those discussions are applicable here.

Jones '783, Wynings '451, and their inability to be properly combined, have been discussed above. These discussions are applicable here.

Zieger '176, is directed to a concrete finishing roller tool with a roller 12 that seats in a U-shaped frame 16. The roller body 12 is weighted by being filled with concrete or sand, that is evenly distributed along the length of the roller body 12. Water, stored in a bottle 28, flows through a hose 32 and into conduits 36 for irrigating the roller body 12, that in combination with the bristles 43, keeps the roller body 12 free of concrete debris.

Zieger '176 fails to show, teach or suggest, structure for weighting the ends of U-shaped frame, as it is directed to weighting the roller body. Additionally, the water flow onto the roller body of Zieger '176 is for removing concrete debris from the roller body, and therefore, Zieger '176 also includes brush bristles 43 for removing concrete particles from the roller body. Zieger '176 is silent as to dispensing fluid for releasing the roller body from the concrete.

Based on the above, Zieger '176 fails to add any structure to Jones '783, and/or Wynings '451. Accordingly, the Examiner's proposed combinations of references, remains short of the claimed invention. Claims 1 and 19 are non-obvious under 35 USC 103(a) in view of the cited art.

Since claims 1 and 19 are non-obvious under 35 USC 103(a), claims 2-4, 6-7, 10, 16, 18, and 20-22, 24, 25, 27, 33 and 35, respectively dependent thereon, are also non-obvious under 35 USC 103(a) in view of the cited art for the same reasons. These claims further distinguish the invention over the cited art.

Claims 11, 18, 28 and 35, were rejected under 35 USC 103(a) as obvious over Jones '783 in view of Wynings '451, as applied to claims 1 and 19, and in further view of Brimo (U.S. Patent No. 4,776,723) (Brimo '723).

Claims 1 and 19 are the independent claims, on which claims 11 and 18, and, 28 and 35, respectively depend. Claims 1 and 19 have been discussed above. Those discussions are applicable here.

Jones '783, Wynings '451, and their inability to be properly combined, have been discussed above. These discussions are applicable here.

Brimo '723 is directed to patterns in flat mats and has nothing to do with rollers for working concrete, like that of Jones '783.

Accordingly, Brimo '723 fails to add anything to Jones '783 and Wynings '451, and accordingly, the combination of Brimo '723 with Jones '783 and Wynings '451 remains deficient for the same reasons as the combination of Jones '783 and Wynings '451, as discussed above.

Based on these reasons, it is respectfully asserted that the Brimo '723 disclosure does not provide any teachings or suggestions, that if combined with Jones '783 and Wynings '451, would arrive at the claimed invention. Accordingly, it is respectfully asserted that claims 1 and 19 are non-obvious under 35 USC 103(a) in view of the cited art.

Since claims 1 and 19 are non-obvious under 35 USC 103(a) in view of the cited art, claims 11 and 18, and 28 and 35, dependent on claims 1 and 19, respectively, are also non-obvious under 35 USC 103(a) in view of the cited art for the same reasons. These claims further distinguish the invention over the cited art.

Additional Remarks and Conclusion

New claims 46-75 have been added to round out the scope of the invention.

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It is respectfully asserted that these claims are allowable over the art of record, as independent claims 46 and 61 recite additional limitations when compared to claims 1 and 19. Claims 1 and 19, as asserted above, are allowable over the art of record. Since independent claims 46 and 61 are allowable over the art of record, claims 47-60, and 62-75, respectively dependent thereon, are also allowable over the art of record for the same reasons. These claims further distinguish the invention over the art of record.

Additionally, the applicant wishes to inform the Examiner, that a later filed continuation in part application, claiming priority to this application, is pending. This application is U.S. Patent Application Serial No. 10/932,822.

Should the Examiner have any questions or comments as to the form, content, or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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Entry of this paper and allowance of all pending claims, claims 1-7, 9-13 and 15-75, is respectfully requested.

Respectfully submitted,

POL SINELLI SHALTON WELTE SUELTHAUS PC

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By: 
Jerome R. Smith, Jr., Reg. No. 35,684
700 W. 47th Street, Suite 1000
Kansas City, Missouri 64112
Tel: (816) 360-4119
Fax: (816) 753-1536
Attorney for Applicant

047762 / 065936
JRSMI 1190395